

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WILMER B. GAY,**  
**Plaintiff**

**v.**

**VINCENT MOONEY,**  
**WILLIAM FULMER**  
**Defendants**

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**CIVIL ACTION**

**No. 02-4693**

AND NOW, this 27<sup>th</sup> day of May, 2005, it appearing that:

- a. on March 14, 2005, the court ordered the parties to complete discovery by May 16, 2005, (Paper #55);
- b. on March 14, 2005, the court ordered the plaintiff to file his pretrial memorandum by May 16, 2005, (Paper #55);
- c. on April 29, 2005, plaintiff filed a Motion to Stay Discovery (Paper #64);
- d. the court denied the motion by order of May 25, 2005, (Paper #73);
- e. the discovery deadline of May 16, 2005, (Paper #55) expired while plaintiff's Motion to Stay Discovery was under advisement;
- f. plaintiff failed to file his pretrial memorandum by May 16, 2005;

it is **ORDERED**:

1. The order of March 14, 2005 (Paper #55) is vacated.
2. The parties must complete all discovery by **JUNE 20, 2005**.
3. Plaintiff must file his pretrial memorandum on or before **JULY 05, 2005**. Defendant Mooney must file his pretrial memorandum on or before **JULY 19, 2005**. Plaintiff shall provide a list of the relevant facts he believes to be true. Defendant Mooney shall state agreement or disagreement with each of plaintiff's proposed facts and may counter-propose stipulated facts. Plaintiff must respond to defendants' proposed facts prior to the final pretrial conference. The parties must list all witnesses they wish to present at trial. Only listed witnesses may testify at trial unless the court gives permission for other witnesses.
4. Any motions for summary judgment or other pretrial motions must be filed on or before the due date of the moving party's pretrial memorandum; an answer to any such motion must be filed within the time provided by the Rules of Civil Procedure.

5. The court will set a final pretrial conference date and a trial date by subsequent order.

/s/ Norma Shapiro

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Norma L. Shapiro, S.J.